

EXHIBIT 101

1 AMERICAN ARBITRATION ASSOCIATION

2
3 UNITED STATES ANTI-DOPING AGENCY,)
(Hereafter USADA))

4 Claimant,)

5 vs.) No. 30 190 00847 06

6 FLOYD LANDIS,)
7 (Hereafter the Athlete))

8 Respondent.)

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15 Transcript of the Proceedings,
16 Volume 1, taken at 725 South Figueroa
17 Street, Suite 2400, Los Angeles,
18 California, beginning at 9:55 a.m. and
19 ending at 5:04 p.m. on Thursday,
20 February 22, 2007, before MARIA A.
21 HASAKIAN, Certified Shorthand Reporter
22 No. 8469.
23
24
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1 Los Angeles, California, Thursday, February 22, 2007
2 9:55 a.m. - 5:04 p.m.
3

4 CHAIR BRUNET: Welcome, everyone, to this
5 prehearing we're holding today. I think everyone's been
6 introduced.

7 We're going to get right down to business, and
8 we have an agenda that is -- that has three points. The
9 first point that I circulated was the -- regarding the
10 additional testing of the B samples or of the initial
11 samples of Mr. Landis. Second point is on discovery.
12 And the third point is format available in the hearing.

13 The last correspondence that we had regarding
14 that last third point, pointed to a possible agreement
15 between the parties, and you were discussing -- we
16 haven't been updated -- on that point.

17 So anyone want to update the panel whether or
18 not there's any progress that's been achieved.

19 MR. JACOBS: Sure. I've talked to Travis
20 Tygart, and the way we left it, there were a couple of
21 questions that you saw that I had, more logistics-type
22 things than anything. And I think there's -- there's
23 really only two questions that we didn't agree on that I
24 think need some handling, but the rest of it, unless I'm
25 misstating it, there was no problem with the proposed

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Also Present:

FLOYD LANDIS

1 order. It was just questions about things that were not
2 covered by it.

3 MR. BARNETT: My understanding was that we were
4 continuing to work towards resolution.

5 MR. JACOBS: Right.

6 MR. BARNETT: For the record, Mr. Tygart
7 apologized for not being here. His wife is in preterm
8 labor, a little bit. So -- priorities.

9 I don't know that -- what I would recommend is
10 that we not argue any issues today on that, but continue
11 to try to work to resolution. I don't believe we're at
12 such gaps that we won't be able to make substantial
13 progress.

14 MR. YOUNG: We also have some issues that we
15 want to put -- which you may or may not agree -- you
16 haven't covered at this point, but you may have by the
17 time we go.

18 MR. BARNETT: And, really, from our --

19 MR. YOUNG: Especially if they are agreeing.

20 MR. BARNETT: -- from our perspective, it
21 wasn't that we disagreed with anything. It was -- we're
22 trying to anticipate all the issues. And perhaps we've
23 anticipated some additional ones, and it sounds like the
24 panel has as well.

25 CHAIR BRUNET: Well, we'll keep the point on

1 CHAIR BRUNET: Mr. Young, what about the GC/MS
 2 in your response?
 3 MR. YOUNG: It's not GC/MS generally. It is
 4 those that are specific to T/E ratio using GC/MS.
 5 CHAIR BRUNET: Okay.
 6 MR. SUH: Our response is that this is -- it's
 7 a little bit different than some of the other issues --
 8 ARBITRATOR CAMPBELL: Okay.
 9 MR. SUH: -- where we would be happy with a
 10 proof of an absence. We know that these documents exist.
 11 We believe that, based upon the 50-plus violations of ISO
 12 and ISL that we gleaned out of our table, that many of
 13 these would also constitute violations of their own
 14 internal procedures.
 15 I think for us it's important to be able to
 16 establish the violations of those procedures. The
 17 only -- the only response in -- that we get from them is
 18 that LNDD considers these documents, referring to SOP, to
 19 be proprietary:
 20 "These documents are used as part of
 21 the regular ISO instruction and we
 22 certify that the laboratories -- "
 23 And it goes on to say they don't feel like they
 24 need to turn them over.
 25 In this case, again, we've identified a number

1 MR. SUH: Their own guidelines.
 2 CHAIR BRUNET: Their own guidelines.
 3 MR. SUH: Yeah. And, by the way, one of the
 4 things that we did, both for time and effort -- frankly,
 5 because we didn't want to lay the entirety of our case
 6 out. We didn't put down every issue that we know exists
 7 in our brief. You will see many more when it comes to
 8 trial. We just put down enough to give you a sense that
 9 we were not conducting a fishing expedition. And,
 10 frankly, I don't think anyone wants to read something
 11 that's 100 pages long anyway.
 12 So -- so, yes. I mean, we can say we see a
 13 number of problems that the SOPs relate to. If for some
 14 reason the panel feels we have not laid a sufficient
 15 foundation, we're prepared to tell -- to go into more
 16 issues right now. We would do it if that's what the
 17 panel felt was necessary, if there was insufficient
 18 substantiation to get the entirety of the SOPs.
 19 And, again, we don't want the SOPS that relate
 20 like EPO testing and that sort of thing. Only if they
 21 relate to the procedures that were in place here, and
 22 we'd be happy to float a protective order that we've used
 23 in, for example, many of our intellectual property cases,
 24 which are about as bulletproof as they can get.
 25 CHAIR BRUNET: Anything else?

1 of departures from ISL and ISO provisions. We know that
 2 those provisions exist. We know for -- with certainty
 3 that someone will come in and talk about the fact that --
 4 like they just said, there were hundreds of places where
 5 they properly recorded the numbers and two that they
 6 didn't. That that's going to be part of this case.
 7 So unlike the other provisions, we think we
 8 should get SOPs. It's only a few hundred pages long. We
 9 can enter into a protective order, as we discussed last
 10 time, to protect the confidentiality.
 11 I mean, we've all been involved in complex
 12 litigation where we've entered into protective orders.
 13 We've sealed the proceeding for purposes of the media
 14 when it gets to the review of these documents.
 15 I don't see what the injury is here.
 16 And, again, not a fishing expedition. We've
 17 identified numerous incidences of the issue. At least we
 18 know the ISO and ISL guidelines have been breached.
 19 THE COURT REPORTER: I'm sorry. ISO and?
 20 MR. SUH: ISL.
 21 CHAIR BRUNET: So the purpose -- main purpose
 22 behind this is to demonstrate that there's been a --
 23 MR. SUH: Departure.
 24 CHAIR BRUNET: There's been a departure from
 25 following --

1 MR. YOUNG: All I can say is that at some point
 2 you're going to either have to totally ignore the
 3 International Standard for Laboratories or you're going
 4 to have to respect it to some extent. I mean, the
 5 document could not be more clear that laboratories don't
 6 have to turn over their SOPs, and they've turned over a
 7 bunch of their SOPs, the ones that are the most relevant
 8 to the specific analyses. That's all I can say. I mean,
 9 I know how any laboratory would respond to this.
 10 CHAIR BRUNET: Okay. We'll move on to
 11 No. 5.
 12 "All calibration data for GC/MS and
 13 IRMS equipment used by LNDD used to
 14 test any sample provided by Floyd during
 15 the 2006 Tour de France."
 16 And Mr. Young's response is?
 17 MR. YOUNG: Well, there are -- there's a GC/MS
 18 that used -- that's used for the screen. There's a GC/MS
 19 that's used for confirmation for T/E. There's a GC/MS
 20 that's associated with the IRMS. And there's the IRMS
 21 instrument.
 22 The screen instruments would typically be
 23 calibrated on a very regular basis. The confirmation
 24 instruments would be calibrated whenever they do
 25 confirmations.